

107TH CONGRESS  
1ST SESSION

# H. R. 3088

To contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 2001

Mr. GILMAN (for himself, Mr. ACKERMAN, Mr. ROYCE, Mr. MENENDEZ, Mr. ROHRBACHER, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. HAYWORTH, Mr. GUTKNECHT, and Mr. SAWYER) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Afghanistan Freedom  
5 Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) The rise to power of the Taliban in Afghan-  
2           istan has caused a drastic decline in the human, po-  
3           litical, and civil rights of the Afghan people, particu-  
4           larly among women, girls, and ethnic minorities.

5           (2) In the year 2001, millions of Afghans are  
6           on the verge of starvation, the largest such group in  
7           the world.

8           (3) The United States is the single largest  
9           donor of humanitarian assistance to Afghanistan, to-  
10          taling more than \$185,000,000 in fiscal year 2001.

11          (4) There are approximately 2,000,000 Afghan  
12          refugees in Pakistan, 1,500,000 Afghan refugees in  
13          Iran, and 1,000,000 internally displaced persons in  
14          Afghanistan, most fleeing oppression, violence, and  
15          economic hardship.

16          (5) During the period of Taliban rule, Afghani-  
17          stan has become the world's largest source of illegal  
18          opium, and proceeds from the sale of raw opium to  
19          drug traffickers are used by the Taliban to finance  
20          its war on the Afghan people.

21          (6) Under Taliban rule, Afghanistan has be-  
22          come a training ground, operational base, and safe  
23          haven for terrorists and international terrorist orga-  
24          nizations, many of whom gain experience fighting

1 alongside Taliban forces inside Afghanistan prior to  
2 conducting terrorist operations outside Afghanistan.

3 (7) The Taliban have, since 1996, harbored and  
4 protected terrorist leader Osama bin Laden and  
5 members of his terrorist al Qaeda network.

6 (8) Osama bin Laden and his al Qaeda associ-  
7 ates were indicted for the August 7, 1998, bombings  
8 of the United States embassies in Nairobi, Kenya,  
9 and Dar-es-Salaam, Tanzania, as a result of which  
10 the United Nations Security Council adopted Reso-  
11 lution 1267 (1999), demanding that the Taliban  
12 surrender Osama bin Laden for trial and deter-  
13 mining that the Taliban's continued provision of  
14 sanctuary to international terrorist organizations  
15 constitutes a threat to international peace and secu-  
16 rity.

17 (9) In order to compel the Taliban to surrender  
18 Osama bin Laden and terminate support for inter-  
19 national terrorist organizations, the United Nations  
20 Security Council has imposed progressively more  
21 comprehensive sanctions on the Taliban under Reso-  
22 lutions 1267 (1999), 1333 (2000), and 1363 (2001),  
23 which sanctions are binding on all members of the  
24 United Nations under Chapter VII of the Charter of  
25 the United Nations.

1           (10) As a result of the Taliban's failure to com-  
2       ply with the demands of the United States and the  
3       United Nations Security Council, Osama bin Laden  
4       and his al Qaeda network were able to orchestrate  
5       from Afghanistan the September 11, 2001, terrorist  
6       attack on the United States in which approximately  
7       6,000 Americans and foreign nationals were mur-  
8       dered.

9           (11) The Taliban have, since the September  
10      11th attack on the United States, rejected all en-  
11      treaties by the United States and other governments  
12      to surrender Osama bin Laden, close down inter-  
13      national terrorist operations in Afghanistan, and  
14      comply with the other demands that have been made  
15      by the United Nations Security Council.

16          (12) Afghanistan is an ethnically diverse nation  
17      that can prosper only under a representative govern-  
18      ment that affords all citizens of that nation their  
19      basic human rights, restores peace and security,  
20      eradicates the drug trade, and brings all terrorists  
21      and terrorist organizations in Afghanistan to justice.

22   **SEC. 3. UNITED STATES POLICY TOWARD AFGHANISTAN.**

23      It shall be the policy of the United States to promote  
24      the removal from power of the Taliban regime in Afghani-  
25      stan so as to diminish the risk of future terrorist attack

1 on the United States and restore basic human freedoms  
2 to the people of Afghanistan.

3 **SEC. 4. MILITARY ASSISTANCE TO AFGHAN RESISTANCE**  
4 **ORGANIZATIONS.**

5 (a) AUTHORITY TO PROVIDE MILITARY ASSIST-  
6 ANCE.—

7 (1) TYPES OF ASSISTANCE.—The President is  
8 authorized to direct the drawdown of defense articles  
9 from the stocks of the Department of Defense, de-  
10 fense services of the Department of Defense, and  
11 military education and training for eligible Afghan  
12 resistance organizations.

13 (2) AMOUNT OF ASSISTANCE.—The aggregate  
14 value (as defined in section 644(m) of the Foreign  
15 Assistance Act of 1961) of assistance provided under  
16 paragraph (1) may not exceed \$300,000,000.

17 (b) ELIGIBLE AFGHAN RESISTANCE ORGANIZA-  
18 TIONS.—An Afghan resistance organization shall be eligi-  
19 ble to receive assistance under subsection (a) if the Presi-  
20 dent determines and reports to the appropriate congres-  
21 sional committees that such organization, or coalition of  
22 organizations, is committed to—

23 (1) the removal from power of the Taliban re-  
24 gime in Afghanistan;

1           (2) preservation of the territorial integrity and  
2           political independence of Afghanistan;

3           (3) respect for internationally recognized  
4           human rights; and

5           (4) the suppression of terrorism in all of its  
6           forms and the surrender to justice of all inter-  
7           national terrorists in Afghanistan, including per-  
8           petrators of the September 11, 2001, attack on the  
9           United States.

10       (c) REIMBURSEMENT FOR ASSISTANCE.—

11           (1) IN GENERAL.—Defense articles, defense  
12           services, and military education and training pro-  
13           vided under subsection (a) shall be made available  
14           without reimbursement to the Department of De-  
15           fense except to the extent that funds are appro-  
16           priated pursuant to the authorization of appropria-  
17           tions under paragraph (2).

18           (2) AUTHORIZATION OF APPROPRIATIONS.—

19           (A) IN GENERAL.—There are authorized to  
20           be appropriated to the President for fiscal year  
21           2002 such sums as may be necessary to reim-  
22           burse the applicable appropriation, fund, or ac-  
23           count for the value (as defined in section  
24           644(m) of the Foreign Assistance Act of 1961)  
25           of defense articles, defense services, or military

1 education and training provided under sub-  
 2 section (a).

3 (B) AVAILABILITY.—Amounts appro-  
 4 priated pursuant to the authorization of appro-  
 5 priations under subparagraph (A) are author-  
 6 ized to remain available until expended, and are  
 7 in addition to amounts otherwise available for  
 8 the purposes described in this section.

9 (d) AUTHORITY TO PROVIDE ASSISTANCE.—Activi-  
 10 ties under this section may be undertaken notwithstanding  
 11 any other provision of law.

12 **SEC. 5. DISASTER AND HUMANITARIAN ASSISTANCE FOR**  
 13 **THE PEOPLE OF AFGHANISTAN.**

14 (a) DISASTER AND HUMANITARIAN ASSISTANCE.—  
 15 Chapter 9 of part I of the Foreign Assistance Act of 1961  
 16 (22 U.S.C. 2292 et seq.) is amended by adding at the end  
 17 the following:

18 **“SEC. 495L. AFGHAN RELIEF, REHABILITATION, AND RE-**  
 19 **CONSTRUCTION.**

20 “(a) DECLARATION OF POLICY.—Congress recog-  
 21 nizes that prompt United States assistance is necessary  
 22 to alleviate the human suffering of the people of Afghani-  
 23 stan from four years of extreme drought and 20 years of  
 24 civil war and to restore the confidence of the people in  
 25 that country.

1       “(b) ASSISTANCE.—The President is authorized to  
2 furnish assistance on such terms and conditions as the  
3 President may determine for the relief, rehabilitation and  
4 reconstruction needs of the people of Afghanistan, includ-  
5 ing displaced persons and other needy people. Assistance  
6 provided under this section shall be for humanitarian pur-  
7 poses with emphasis on providing food, medicine and med-  
8 ical care, clothing, temporary shelter, and transportation  
9 for emergency supplies and personnel.

10       “(c) POLICIES AND AUTHORITIES TO BE APPLIED.—  
11 (1) Assistance under this section shall be provided in ac-  
12 cordance with the policies and general authorities of sec-  
13 tion 491.

14       “(2) Assistance under this section or any other provi-  
15 sion of law to alleviate the human suffering caused by  
16 famine and disease in Afghanistan shall be provided, to  
17 the maximum extent practicable, through international  
18 agencies, private voluntary organizations, and any eligible  
19 Afghan resistance organization.

20       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the President to carry  
22 out this section \$100,000,000 for each of the fiscal years  
23 2002 and 2003. Amounts appropriated pursuant to the  
24 authorization of appropriations under the preceding sen-  
25 tence are in addition to amounts otherwise available for



1 such purposes and are authorized to remain available until  
2 expended.”.

3 (b) OTHER ASSISTANCE FOR AFGHANISTAN.—

4 (1) ASSISTANCE.—The President is authorized  
5 to provide assistance from funds made available to  
6 carry out chapter 4 of part II of the Foreign Assist-  
7 ance Act of 1961 (relating to the economic support  
8 fund) for the provision of food, medicine, or other  
9 assistance to the Afghan people, notwithstanding  
10 any other provision of law.

11 (2) AMOUNT OF ASSISTANCE.—In each of fiscal  
12 years 2002 and 2003, not less than \$50,000,000 of  
13 the aggregate amount of funds made available to  
14 carry out chapter 4 of part II of the Foreign Assist-  
15 ance Act of 1961 is authorized to be made available  
16 for assistance to the Afghan people pursuant to  
17 paragraph (1).

18 **SEC. 6. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.**

19 (a) ESTABLISHMENT.—The Broadcasting Board of  
20 Governors is authorized to make grants for surrogate  
21 radio broadcasting by RFE/RL, Incorporated (formerly  
22 known as Radio Free Europe/Radio Liberty) to the people  
23 of Afghanistan in languages spoken in Afghanistan, such  
24 broadcasts to be designated “Radio Free Afghanistan”.

1       (b) SUBMISSION OF PLAN TO BROADCASTING BOARD  
2 OF GOVERNORS.—Not later than 15 days after the date  
3 of the enactment of this Act, RFE/RL, Incorporated, shall  
4 submit to the Broadcasting Board of Governors a detailed  
5 plan for the establishment of the surrogate radio broad-  
6 casting described in subsection (a).

7       (c) AUTHORIZATION OF APPROPRIATIONS.—

8           (1) FISCAL YEARS 2002 AND 2003.—In addition  
9 to such sums as are authorized to be appropriated  
10 for each of the fiscal years 2002 and 2003 for  
11 “International Broadcasting Operations”,  
12 \$8,000,000 is authorized to be appropriated for the  
13 fiscal year 2002 and \$6,000,000 is authorized to be  
14 appropriated for the fiscal year 2003 for “Inter-  
15 national Broadcasting Operations” to be available  
16 only for the surrogate radio broadcasting described  
17 in subsection (a).

18           (2) TRANSMITTER.—Of the amounts authorized  
19 to be appropriated by paragraph (1) for the fiscal  
20 year 2002, \$1,500,000 shall be available only for a  
21 new transmitter for the surrogate radio broadcasting  
22 described in subsection (a).

1 **SEC. 7. COMPLIANCE WITH MEASURES DIRECTED AGAINST**  
2 **THE TALIBAN BY THE UNITED NATIONS SE-**  
3 **CURITY COUNCIL.**

4 (a) REPORTS TO CONGRESS.—Not later than one  
5 month after the date of the enactment of this Act, and  
6 every three months thereafter until the President deter-  
7 mines and reports to the appropriate congressional com-  
8 mittees that the Taliban no longer exercises power in any  
9 part of Afghanistan, the President shall submit to the ap-  
10 propriate congressional committees a report that identifies  
11 the government of each foreign country with respect to  
12 which there is credible information that the government  
13 has, on or after the date of the enactment of this Act,  
14 violated, or permitted persons subject to its jurisdiction  
15 to violate, measures directed against the Taliban pursuant  
16 to United Nations Security Council Resolutions 1267  
17 (1999), 1333 (2000), or 1363 (2001), or pursuant to any  
18 other United Nations Security Council resolution adopted  
19 under the authority of Chapter VII of the Charter of the  
20 United Nations.

21 (b) CONTENT OF REPORTS.—Each report submitted  
22 under subsection (a) shall detail with respect to each gov-  
23 ernment of a foreign country identified in such report the  
24 nature of the violation (other than violations detailed in  
25 previous reports submitted pursuant to this section), and  
26 shall evaluate—

1           (1) the importance of the violation to the efforts  
2           of the Taliban to remain in power in Afghanistan;

3           (2) the importance of the violation to the efforts  
4           of terrorist groups to continue operating from Af-  
5           ghanistan; and

6           (3) the risk posed by such violation to the safe-  
7           ty of the United States Armed Forces and the  
8           armed forces of other countries acting in coalition  
9           with the United States.

10          (c) **AUTHORITY TO IMPOSE UNITED STATES SANC-**  
11 **TIONS.**—The President is authorized to impose one or  
12 more of the United States sanctions provided in subsection  
13 (d) if the President determines and reports to the appro-  
14 priate congressional committees that—

15           (1) a government of a foreign country identified  
16           in a report submitted under subsection (a) has  
17           knowingly violated, or knowingly permitted persons  
18           subject to its jurisdiction to violate, measures di-  
19           rected against the Taliban pursuant to United Na-  
20           tions Security Council Resolutions 1267 (1999),  
21           1333 (2000), or 1363 (2001), or pursuant to any  
22           other United Nations Security Council resolution  
23           adopted under the authority of Chapter VII of the  
24           Charter of the United Nations; and

1           (2) such violation has put at risk the lives of  
2       members of the United States Armed Forces, or  
3       other United States citizens.

4       (d) UNITED STATES SANCTIONS AUTHORIZED TO  
5 BE IMPOSED.—The United States sanctions referred to  
6 in subsection (c) are the following:

7           (1) No assistance may be provided to that gov-  
8       ernment or nationals under the Foreign Assistance  
9       Act of 1961 or the Arms Export Control Act.

10          (2) No license may be issued for any transfer  
11       to that government or nationals of any goods, serv-  
12       ices, or technology controlled under the Arms Export  
13       Control Act, the Export Administration Act of 1979,  
14       or the Export Administration Regulations.

15          (3) The restrictions of subsections (a) and (b)  
16       of section 3 of the Trading With the Enemy Act (50  
17       U.S.C. App. 3(a) and (b)) shall apply to relations  
18       between the United States and the government of a  
19       foreign country and all nationals of that country  
20       with respect to which the President makes a deter-  
21       mination described in subsection (c).

22 **SEC. 8. SUBMISSION OF DETERMINATIONS AND REPORTS**  
23 **IN CLASSIFIED FORM.**

24       When the President considers it appropriate, deter-  
25       minations and reports to the appropriate congressional

1 committees submitted under this Act, or appropriate parts  
2 thereof, may be submitted in classified form.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means the Committee on International Re-  
8 lations of the House of Representatives and the  
9 Committee on Foreign Relations of the Senate.

10 (2) NATIONAL.—The term “national” means,  
11 with respect to a foreign country, a national of the  
12 country, including a natural person, corporation,  
13 business association, partnership, or other entity op-  
14 erating as a business enterprise under the laws of  
15 the country.

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